

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NETWORK APPLIANCE, INC.,

No. C-07-06053 EDL

Plaintiff,

**ORDER REGARDING JOINT REPORT  
RE: CLAIM CONSTRUCTION OF  
“INCORE ROOT INODE”**

v.

SUN MICROSYSTEMS, INC.,

Defendant.

Pursuant to the Court’s October 22, 2008 Order Regarding Network Appliance Inc’s Motion for Leave to File Motion for Reconsideration Or, in the Alternative, for Entry of Final Judgment, the parties filed a joint report regarding the construction of “incore root inode” from the ’211 patent, and proposed the following modification of the Court’s construction: “**incore root inode**” means “a data structure that includes a copy of the on-disk root inode that is contained in memory; this copy need not be in a fixed location in memory.”

At the outset of the November 10, 2008 claim construction hearing in Sun Microsystems, Inc. v. Network Appliance, Inc., C07-5488 EDL, the Court addressed the parties’ joint report and proposed further modification of the term “incore root inode” to mean “a data structure, contained in memory, that includes a copy of the on-disk root inode; this copy need not be in a fixed location in memory.” Sun agreed to this modification, and NetApp, having asked for time to consider the Court’s proposal, has not objected to this modification.

Pursuant to the parties’s agreed-upon modification, as further modified by the Court, the construction of the term “**incore root inode**” from the ’211 patent is hereby amended to be “a data

1 structure, contained in memory, that includes a copy of the on-disk root inode; this copy need not be  
2 in a fixed location in memory.”

3  
4 **IT IS SO ORDERED.**

5 Dated: March 2, 2009

*Elizabeth D. Laporte*  
\_\_\_\_\_  
ELIZABETH D. LAPORTE  
United States Magistrate Judge